

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Patriot Environmental Services, Inc.
(PES)
20609 Placerita Canyon Road
Santa Clarita, California, 91321

ID No. CAD 000 628 636

Respondent.

Docket HWCA 2006 1214

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Patriot Environmental Services, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. The Respondent generates the following hazardous waste: tetrachloroethylene and absorbent with used oil at 20609 Placerita Canyon Road, Santa Clarita, California (Site).

1.3. Inspection. The Department inspected the Site on January 31, 2006.

1.4. Authorization Status. The Department has authorized the Respondent to transport hazardous waste by the Hazardous Waste Transporter Registration #335, which expires on July 31, 2006.

1.5. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violation:

2.1.1 Respondent violated Health & Safety Code section 25201 (a) and Title 22, California Code of Regulation, section 66262.34 (a) in that on or about January 31, 2006, Patriot Environmental Services, Inc. stored on-site generated hazardous waste for more than 90 days without a permit or grant of authorization from the Department.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following: PES shall not store on-site generated hazardous waste for more than 90 days.

3.1.1. Respondent has corrected the violations set forth above.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500).

5.2. Payment of \$8,500 specified in paragraph 5.1 is due in one installment due on or before August 31, 2006.

5.3. Respondent's check(s) shall be made payable to the Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Mukul Agarwal, Supervisor Hazardous Substances Scientist
Southern California Branch
Department of Toxic Substances Control
1011 N. Grandview Avenue
Glendale, California 91201

And

James J. Grace, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

5.4. Respondent agrees to send at least three employees to the California Compliance Scholl, Modules I through IV. Attendance must be completed and Respondent must submit a Certificate of Satisfactory Completion for the employee issued by the California Compliance School to DTSC within 185 days of the date of this Order. In recognition of this educational investment, the penalty imposed by this Order has been reduced by \$5,000 from its original penalty amount of \$13,500. If the employee satisfactorily completes the specific modules and DTSC receives the Certificate of Satisfactory Completion within 185 days of the effective date of this Order. If respondent fails to submit the certificate as required, the additional penalty of \$5,000 is due and payable within 30 days after the 185-day period expires. The 185-day period may be extended by a DTSC Branch Chief upon a written request demonstrating good cause.

5.5. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: August 18, 2006

Original signed by Thomas Scranton
Thomas Scranton, President
Patriot Environmental Services, Inc.
Respondent

Dated: August 22, 2006

Original signed by Mukul Agarwal
Mukul Agarwal, Unit Chief
Statewide Compliance Division
Department of Toxic Substances Control